

NO. 20

JOURNAL
of the
HOUSE OF REPRESENTATIVES
of the
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

TUESDAY, FEBRUARY 17, 2009
(STATEWIDE SESSION)

Tuesday, February 17, 2009
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The House assembled at 12:00 noon.

Deliberations were opened with prayer by Representative J. R. SMITH, as follows:

Our thought for today is from Psalm 67: "God be merciful unto us and bless us, and cause his face to shine upon us."

Let us pray. Lord, God Almighty, let us pause today, let us remember the man of God that leads us in prayer each day as we gather in this Assembly to do the business of the great State of South Carolina, our chaplain, whom we all appreciate, respect, and love as a leader, as he recovers from surgery. Let each of us in our own way of praying ask Thee for a touch of God's love and mercy as we pray. Help us to remember each other as we labor here in this hallowed place and give thanks to Thee for the honor to do God's will and the business of the State of South Carolina. Bless the leaders of our General Assembly, our Governor, our State, our Nation, and our President, we pray. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of Friday, the SPEAKER ordered it confirmed.

MOTION ADOPTED

Rep. HOSEY moved that when the House adjourns, it adjourn in memory of Mrs. Ellen Jenkins of Barnwell, which was agreed to.

REGULATIONS WITHDRAWN AND RESUBMITTED

Document No. 3204

Agency: Department of Consumer Affairs

Statutory Authority: 1976 Code Sections 37-11-10 et seq.

Licensing Standards for Continuing Care Retirement Communities

Received by Speaker of the House of Representatives April 25, 2008

TUESDAY, FEBRUARY 17, 2009

Referred to Medical, Military, Public and Municipal Affairs Committee
Legislative Review Expiration April 1, 2009
Revised: March 12, 2009

Document No. 3199

Agency: Department of Health and Environmental Control

Statutory Authority: 1976 Code Section 44-61-520

South Carolina Trauma Care Systems

Received by Speaker of the House of Representatives April 25, 2008

Referred to Medical, Military, Public and Municipal Affairs Committee

Legislative Review Expiration April 1, 2009

Revised: March 12, 2009

Revised: March 14, 2009

REPORTS OF STANDING COMMITTEES

Rep. KIRSH, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 3475 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME BLACK BRANCH ROAD IN DILLON COUNTY "HOYT JACKSON MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD THAT CONTAIN THE WORDS "HOYT JACKSON MEMORIAL HIGHWAY".

Ordered for consideration tomorrow.

Rep. KIRSH, from the Committee on Invitations and Memorial Resolutions, submitted a favorable report on:

H. 3476 -- Reps. Brantley and Bedingfield: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 601 IN JASPER COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 321 TO ITS INTERSECTION WITH THE JASPER/HAMPTON COUNTY LINE THE "EUNICE HOLMAN DOE HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "EUNICE HOLMAN DOE HIGHWAY".

Ordered for consideration tomorrow.

TUESDAY, FEBRUARY 17, 2009

HOUSE RESOLUTION

On motion of Rep. COBB-HUNTER, with unanimous consent, the following was taken up for immediate consideration:

H. 3538 -- Rep. Cobb-Hunter: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE HOLLY HILL ACADEMY GIRLS VOLLEYBALL TEAM, COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF BEING RECOGNIZED AND COMMENDED FOR CAPTURING THE 2008 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS AA STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Holly Hill Academy girls volleyball team, coaches, and school officials, at a date and time to be determined by the Speaker, for the purpose of being recognized and commended for capturing the 2008 South Carolina Independent School Association Class AA State Championship title.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 3539 -- Rep. Cobb-Hunter: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE HOLLY HILL ACADEMY "LADY RAIDERS" VOLLEYBALL TEAM, OF ORANGEBURG COUNTY, FOR ITS OUTSTANDING SEASON AND FOR CAPTURING THE 2008 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS AA STATE CHAMPIONSHIP TITLE, AND TO HONOR THE TEAM'S EXCEPTIONAL PLAYERS, COACH, AND STAFF.

The Resolution was adopted.

TUESDAY, FEBRUARY 17, 2009

INTRODUCTION OF BILLS

The following Bills and Joint Resolutions were introduced, read the first time, and referred to appropriate committees:

H. 3540 -- Reps. G. R. Smith, M. A. Pitts, Haley, Ballentine, Bedingfield, Millwood, Duncan, J. R. Smith, Hamilton, Bowen, Stringer, E. H. Pitts, Bingham, Cato, Cole, Daning, Gambrell, Harrell, Herbkersman, Horne, Kirsh, Littlejohn, Scott, Stewart, Thompson, Whipper, Williams, Willis, Wylie, A. D. Young and T. R. Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 17 TO CHAPTER 1, TITLE 1 SO AS TO ENACT THE "SOUTH CAROLINA TRUTH IN SPENDING ACT" TO PROVIDE THAT EACH AGENCY, DEPARTMENT, AND INSTITUTION OF STATE GOVERNMENT AND EACH LOCAL GOVERNMENTAL ENTITY MUST MAINTAIN A DETAILED TRANSACTION REGISTER OF ALL FUNDS EXPENDED EACH MONTH AND POST THAT REGISTER ONLINE, TO PROVIDE THAT EACH AGENCY, DEPARTMENT, AND INSTITUTION OF STATE GOVERNMENT AND EACH LOCAL GOVERNMENTAL ENTITY MUST POST ONLINE ALL OF ITS CREDIT CARD STATEMENTS AND THE CREDIT CARD STATEMENTS FOR CREDIT CARDS ISSUED TO PUBLIC OFFICIALS AND EMPLOYEES FOR PUBLIC USE, AND TO PROVIDE THAT EACH LOCAL GOVERNMENTAL ENTITY MUST ANNUALLY POST ONLINE A LISTING OF ITS FULL TIME EMPLOYEES GROUPED BY CLASS ALONG WITH THE NUMBER OF FULL TIME POSITIONS IN EACH CLASS AND THE AVERAGE SALARY IN EACH CLASS.

Referred to Committee on Ways and Means

H. 3541 -- Reps. Hiott, Frye, Duncan, M. A. Pitts and Whitmire: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50-9-525 SO AS TO ESTABLISH THE REQUIREMENT AND PROCEDURES FOR OBTAINING BEAR TAGS; BY ADDING SECTION 50-9-537 SO AS TO REQUIRE A TEN DOLLAR BEAR DRAW HUNT APPLICATION FEE; BY ADDING SECTION 50-11-435 SO AS TO PROHIBIT TAKING OR ATTEMPTING TO TAKE BEAR WEIGHING LESS THAN ONE HUNDRED POUNDS AND PROVIDE APPLICABLE PENALTIES; TO AMEND SECTION 50-9-920, RELATING TO REVENUE FROM THE SALE OF LIFETIME LICENSES, SO AS

TUESDAY, FEBRUARY 17, 2009

TO DEFINE THE USES FOR REVENUE GENERATED FROM THE SALE OF BEAR TAGS; TO AMEND SECTION 50-11-310, AS AMENDED, RELATING TO THE OPEN SEASON FOR ANTLERED DEER, SO AS TO DESIGNATE WHEN CERTAIN EQUIPMENT MAY BE USED IN GAME ZONE 1; AND TO AMEND SECTION 50-11-430, RELATING TO BEAR HUNTING, SO AS TO REDESIGNATE THE OPEN SEASON AND PROVIDE ADDITIONAL PENALTIES.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3543 -- Rep. Brady: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-1-490 SO AS TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO DEVELOP A MODEL DATING VIOLENCE POLICY TO ASSIST SCHOOL DISTRICTS IN DEVELOPING THEIR OWN POLICIES FOR REPORTING AND RESPONDING TO DATING VIOLENCE, TO PROVIDE WHAT MUST BE INCLUDED IN THE POLICIES, TO PROVIDE REPORTING AND PUBLICATION REQUIREMENTS, AND TO REQUIRE SCHOOL DISTRICTS TO INFORM PARENTS AND GUARDIANS OF THE POLICY AND TO PROVIDE PARENTS WITH A COPY OF THE POLICY UPON REQUEST.

Referred to Committee on Education and Public Works

H. 3544 -- Rep. Gullick: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-1-240 SO AS TO PROVIDE THAT LAW ENFORCEMENT OFFICIALS WITH APPROPRIATE JURISDICTION SHALL NOT CHARGE A CHARITABLE, RELIGIOUS, OR ELEEMOSYNARY ORGANIZATION CONDUCTING A RAFFLE FOR THE BENEFIT OF THE ORGANIZATION WHERE ALL THE PROCEEDS INURE TO THE BENEFIT OF THE ORGANIZATION, AND ANY INDIVIDUALS ASSOCIATED WITH CONDUCTING THE RAFFLE, WITH A VIOLATION OF LAW BUT INSTEAD SHALL INFORM THEM IN WRITING THAT THE CONDUCT OF THE RAFFLE VIOLATES STATE LAW, AND TO PROVIDE FOR CERTAIN CONDITIONS AND LIMITATIONS FOR THIS PROVISION TO APPLY.

Referred to Committee on Judiciary

TUESDAY, FEBRUARY 17, 2009

H. 3545 -- Reps. Umphlett, Duncan and M. A. Pitts: A BILL TO AMEND SECTION 8-1-130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PUBLIC OFFICERS NOT CONSIDERED DUAL OFFICEHOLDERS, SO AS TO PROVIDE THAT AN OFFICER IN THE MILITIA, NOTARY PUBLIC, DELEGATE TO A CONSTITUTIONAL CONVENTION, LAW ENFORCEMENT OFFICER WHO HOLDS A LOCAL OFFICE, AND A CORRECTIONS OFFICER WHO HOLDS A LOCAL OFFICE ARE NOT CONSIDERED A DUAL OFFICEHOLDER FOR THE PURPOSES OF THE CONSTITUTION OF SOUTH CAROLINA, 1895.

Referred to Committee on Judiciary

H. 3546 -- Reps. Umphlett, Duncan and M. A. Pitts: A JOINT RESOLUTION TO PROPOSE AN AMENDMENT TO SECTION 24 OF ARTICLE III, SECTION 3 OF ARTICLE VI, AND SECTION 1A OF ARTICLE XVII TO THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO DUAL OFFICEHOLDING AND QUALIFICATION FOR OFFICE, SO AS TO PROVIDE THAT THE PROHIBITION AGAINST HOLDING TWO OFFICES DOES NOT APPLY TO COMMISSIONED LAW ENFORCEMENT OFFICERS OR CORRECTIONS OFFICERS EMPLOYED BY A COUNTY AND MUNICIPAL POLICE OFFICERS EMPLOYED IN A COUNTY IN WHICH THEY DO NOT RESIDE WHO HOLD ANOTHER OFFICE.

Referred to Committee on Judiciary

S. 126 -- Senators Sheheen and Elliott: A BILL TO AMEND SECTION 56-3-1910, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF SPECIAL LICENSE TAGS TO CERTAIN HANDICAPPED PERSONS, SO AS TO DEFINE THE TERM "HANDICAPPED", DELETE THE TERM "LICENSE TAG" AND REPLACE IT WITH THE TERM "LICENSE PLATE", AND TO REVISE THE CRITERIA FOR THE ISSUANCE OF THE LICENSE PLATE; TO AMEND SECTION 56-3-1950, RELATING TO THE DEFINITION OF THE TERM "HANDICAPPED", AND THE REQUIREMENT THAT A LICENSED PHYSICIAN SHALL CERTIFY THAT A PERSON'S TOTAL AND PERMANENT DISABILITY SUBSTANTIALLY IMPAIRS HIS ABILITY TO WALK, SO AS TO REVISE THE DEFINITION OF THE TERM "HANDICAPPED" AND TO DELETE THE PROVISION RELATING TO THE CERTIFICATION OF A

TUESDAY, FEBRUARY 17, 2009

PERSON WHO IS TOTALLY AND PERMANENTLY DISABLED; TO AMEND SECTION 56-3-1960, RELATING TO FREE PARKING FOR HANDICAPPED PERSONS, AND THE ISSUANCE AND DISPLAY OF HANDICAPPED LICENSE PLATES AND PLACARDS, SO AS TO DELETE THE PROVISION THAT PROVIDES FOR THE ISSUANCE OF HANDICAPPED LICENSE PLATES, AND TO REVISE THE PROVISIONS REGARDING THE CONTENT, ISSUANCE PROCEDURE, AND DISPLAY OF HANDICAPPED PLACARDS; TO AMEND SECTION 56-3-1965, RELATING TO MUNICIPALITIES DESIGNATING PARKING SPACES FOR HANDICAPPED PERSONS, SO AS TO REVISE THE PROCEDURES THAT ALLOW A HANDICAPPED PERSON TO PARK IN METERED OR TIMED PARKING PLACES WITHOUT BEING SUBJECT TO PARKING FEES OR FINES; AND TO AMEND SECTION 56-3-2010, RELATING TO THE ISSUANCE OF PERSONALIZED LICENSE PLATES, SO AS TO PROVIDE THAT A PERSON WHO ALSO QUALIFIES IS QUALIFIED TO RECEIVE THIS LICENSE PLATE AND A HANDICAPPED LICENSE PLATE MAY BE ISSUED A PERSONALIZED LICENSE PLATE THAT INCLUDES A DECAL THAT CONTAINS THE INTERNATIONAL SYMBOL OF ACCESS.

Referred to Committee on Education and Public Works

S. 278 -- Senator Alexander: A JOINT RESOLUTION TO ALLOW THE GOVERNING BODY OF A COUNTY BY RESOLUTION ADOPTED BY MAJORITY VOTE TO ALLOW COUNTY OFFICIALS CHARGED WITH COLLECTING TAXES ON REAL PROPERTY FOR PROPERTY TAX YEARS 2008 AND 2009 TO WAIVE OR REDUCE THE PENALTIES FOR LATE PAYMENTS, AND TO PROVIDE THAT THE RESOLUTION MUST PROVIDE THE TERMS AND CONDITIONS UNDER WHICH THE WAIVER OR REDUCTION APPLIES.

Referred to Committee on Ways and Means

HOUSE RESOLUTION

The following was introduced:

H. 3542 -- Rep. Bingham: A HOUSE RESOLUTION TO CONGRATULATE MR. MORRISON WYLETTE WHETSTONE, SR., OF ORANGEBURG COUNTY, ON THE OCCASION OF HIS NINETIETH BIRTHDAY, AND TO WISH HIM A JOYOUS

[HJ]

TUESDAY, FEBRUARY 17, 2009

BIRTHDAY CELEBRATION AND CONTINUED HEALTH AND HAPPINESS.

The Resolution was adopted.

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 421 -- Senators Sheheen and Lourie: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE MARY Y. CLARK, OF KERSHAW COUNTY, FOR HER OUTSTANDING ACHIEVEMENTS AS MAYOR OF CAMDEN, HER COMMITMENT TO THE CITIZENS OF THAT CITY, AND HER SUPPORT OF THE ARTS, EDUCATION, AND BUSINESS COMMUNITIES.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 422 -- Senator Jackson: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA GENERAL ASSEMBLY UPON THE PASSING OF WALLACE BYRD, OF RICHLAND COUNTY, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 424 -- Senators Bright, S. Martin, Alexander, Campbell, Fair, Knotts, Cromer, Mulvaney, Verdin, L. Martin, Shoopman, Rose, McConnell, Thomas, Cleary, Courson, Coleman, Davis, Reese and Campsen: A CONCURRENT RESOLUTION TO AFFIRM SOUTH CAROLINA'S SOVEREIGNTY UNDER THE TENTH AMENDMENT TO THE UNITED STATES CONSTITUTION OVER

TUESDAY, FEBRUARY 17, 2009

ALL POWERS NOT ENUMERATED AND GRANTED TO THE
FEDERAL GOVERNMENT BY THE UNITED STATES
CONSTITUTION.

The Concurrent Resolution was ordered referred to the Committee
on Judiciary.

ROLL CALL

The roll call of the House of Representatives was taken resulting as
follows:

Agnew	Alexander	Allen
Allison	Anderson	Anthony
Bales	Ballentine	Bannister
Barfield	Battle	Bedingfield
Bingham	Bowers	Brady
Branham	Brantley	G. A. Brown
H. B. Brown	R. L. Brown	Cato
Chalk	Clemmons	Clyburn
Cobb-Hunter	Cole	Cooper
Crawford	Daning	Delleney
Dillard	Duncan	Edge
Erickson	Forrester	Frye
Funderburk	Gambrell	Gilliard
Govan	Gullick	Gunn
Haley	Hamilton	Hardwick
Harrell	Harrison	Hart
Harvin	Hayes	Hearn
Herbkersman	Hiott	Hodges
Horne	Hosey	Hutto
Jefferson	Kelly	Kennedy
King	Kirsh	Knight
Littlejohn	Loftis	Long
Lowe	Lucas	Mack
McEachern	McLeod	Merrill
Miller	Millwood	Mitchell
Moss	Nanney	J. H. Neal
J. M. Neal	Neilson	Ott
Owens	Parker	Pinson
E. H. Pitts	M. A. Pitts	Rice
Sandifer	Scott	Sellers
Simrill	Skelton	D. C. Smith

TUESDAY, FEBRUARY 17, 2009

G. M. Smith	G. R. Smith	J. R. Smith
Sottile	Spires	Stavrinakis
Stringer	Thompson	Toole
Umphlett	Vick	Viers
Weeks	White	Whitmire
Williams	Willis	Wylie
A. D. Young	T. R. Young	

STATEMENT OF ATTENDANCE

I came in after the roll call and was present for the Session on Tuesday, February 17.

Don Bowen	Chip Huggins
H.B. "Chip" Limehouse	Anne Parks
Todd Rutherford	James E. Smith
Jackson "Seth" Whipper	Leon Howard

Total Present--121

LEAVE OF ABSENCE

The SPEAKER granted Rep. STEWART a leave of absence for today and Wednesday.

DOCTOR OF THE DAY

Announcement was made that Dr. William Ward of West Columbia was the Doctor of the Day for the General Assembly.

CO-SPONSORS ADDED AND REMOVED

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee."

TUESDAY, FEBRUARY 17, 2009

CO-SPONSOR ADDED

Bill Number: H. 3015
Date: ADD:
02/17/09 HORNE

CO-SPONSOR ADDED

Bill Number: H. 3123
Date: ADD:
02/17/09 HORNE

CO-SPONSOR ADDED

Bill Number: H. 3164
Date: ADD:
02/17/09 HORNE

CO-SPONSOR ADDED

Bill Number: H. 3271
Date: ADD:
02/17/09 G. R. SMITH

CO-SPONSOR ADDED

Bill Number: H. 3275
Date: ADD:
02/17/09 HORNE

CO-SPONSOR ADDED

Bill Number: H. 3276
Date: ADD:
02/17/09 HORNE

CO-SPONSOR ADDED

Bill Number: H. 3278
Date: ADD:
02/17/09 HORNE

CO-SPONSOR ADDED

Bill Number: H. 3279
Date: REMOVE:
02/17/09 HORNE

TUESDAY, FEBRUARY 17, 2009

CO-SPONSOR ADDED

Bill Number: H. 3280
Date: ADD:
02/17/09 HORNE

CO-SPONSOR ADDED

Bill Number: H. 3303
Date: ADD:
02/17/09 SKELTON

CO-SPONSOR ADDED

Bill Number: H. 3442
Date: ADD:
02/17/09 HORNE

CO-SPONSOR ADDED

Bill Number: H. 3526
Date: ADD:
02/17/09 SOTTILE

CO-SPONSOR ADDED

Bill Number: H. 3526
Date: ADD:
02/17/09 SIMRILL

CO-SPONSOR ADDED

Bill Number: H. 3527
Date: ADD:
02/17/09 SIMRILL

CO-SPONSOR ADDED

Bill Number: H. 3372
Date: ADD:
02/17/09 R. L. BROWN, BEDINGFIELD, NANNEY and
HAMILTON

TUESDAY, FEBRUARY 17, 2009

CO-SPONSOR ADDED

Bill Number: H. 3352
Date: ADD:
02/17/09 J. E. SMITH, BEDINGFIELD, WILLIAMS, VICK,
HORNE, AGNEW and CLEMMONS

CO-SPONSOR ADDED

Bill Number: H. 3530
Date: ADD:
02/17/09 WYLIE and BRANHAM

CO-SPONSOR ADDED

Bill Number: H. 3403
Date: ADD:
02/17/09 HOSEY, JEFFERSON, J. H. NEAL, MACK,
MCEACHERN, ALEXANDER, BALES,
BRANTLEY, CLYBURN, PARKS, BRANHAM and
COBB-HUNTER

CO-SPONSOR ADDED

Bill Number: H. 3132
Date: ADD:
02/17/09 HUTTO

CO-SPONSOR ADDED

Bill Number: H. 3204
Date: ADD:
02/17/09 HUTTO

CO-SPONSOR ADDED

Bill Number: H. 3529
Date: ADD:
02/17/09 HORNE

CO-SPONSOR ADDED

Bill Number: H. 3416
Date: ADD:
02/17/09 GULLICK

TUESDAY, FEBRUARY 17, 2009

CO-SPONSOR ADDED

Bill Number: H. 3342
Date: ADD:
02/17/09 HIOTT

CO-SPONSOR ADDED

Bill Number: H. 3298
Date: ADD:
02/17/09 PARKER

CO-SPONSOR ADDED

Bill Number: H. 3372
Date: ADD:
02/17/09 WHIPPER

CO-SPONSOR REMOVED

Bill Number: H. 3003
Date: REMOVE:
02/17/09 SKELTON

**H. 3352--REQUEST FOR DEBATE, AMENDED, AND
DEBATE INTERRUPTED**

The following Joint Resolution was taken up:

H. 3352 -- Reps. Cooper, Owens, Stewart, Whitmire, Funderburk, Rice, Wylie, Allison, E. H. Pitts, R. L. Brown, White, Stavrinakis, Miller, Anderson, Battle, Hayes, Gilliard, Sottile, Mack, Harvin, Whipper, Hutto, G. R. Smith, Knight, Willis, Neilson, T. R. Young, Cobb-Hunter, J. H. Neal, Clyburn, G. M. Smith, Kennedy, Herbkersman, Merrill, Bingham, Ott, J. R. Smith, A. D. Young, Kirsh, Lucas, Littlejohn, Edge, Limehouse, M. A. Pitts, Loftis, D. C. Smith, Pinson, Barfield, Bannister, Dillard, Stringer, Allen, Nanney, Govan, Parker, Frye, Hardwick, Hearn, J. E. Smith, Clemmons, Agnew, Bedingfield, Williams, Vick and Horne: A JOINT RESOLUTION TO ALLOW LOCAL SCHOOL DISTRICTS AND SPECIAL SCHOOLS TO TRANSFER FUNDS AMONG APPROPRIATED REVENUES IN ORDER TO ENSURE THE DELIVERY OF ACADEMIC AND ARTS INSTRUCTION DURING THE 2008-2009 AND 2009-2010 FISCAL YEARS; TO ALLOW SCHOOL DISTRICTS FOR FISCAL YEARS 2008-2009 AND 2009-2010 TO SUSPEND CERTAIN PROFESSIONAL STAFFING RATIOS, TO TRANSFER FUNDS,

[HJ]

TUESDAY, FEBRUARY 17, 2009

TO DELAY THE DATE THAT TEACHER CONTRACTS ARE ISSUED, AND TO NEGOTIATE SALARIES FOR RETIRED AND TERI TEACHERS BELOW MINIMUM SALARY REQUIREMENTS; TO ALLOW SCHOOL DISTRICTS FOR THE 2008-2009 AND 2009-2010 FISCAL YEARS TO FURLOUGH TEACHERS AND SCHOOL AND DISTRICT ADMINISTRATORS UPON CERTAIN CONDITIONS; TO PROVIDE CERTIFICATION AND REPORTING REQUIREMENTS; TO SUSPEND CERTAIN FORMATIVE ASSESSMENTS AND TO ALLOW SCHOOL DISTRICTS TO PURCHASE THE MOST ECONOMICAL TYPE OF BUS FUEL FOR THE 2008-2009 AND 2009-2010 FISCAL YEARS.

Rep. CRAWFORD requested debate on the Joint Resolution.

The Ways and Means Committee proposed the following Amendment No. 1 (COUNCIL\NBD\11248BH09), which was adopted:

Amend the joint resolution, as and if amended, by deleting SECTION 2 and inserting:

/ SECTION 2. Notwithstanding another provision of law and for the 2008-2009 and 2009-2010 fiscal years, school districts must be granted:

1. suspension from professional staffing ratios and subfund level expenditure regulations and guidelines;
2. permission to transfer funds among funding categories, including capital funds from the Children's Education Endowment Fund and excluding funds required for debt service or bonded indebtedness;
3. permission to delay from April fifteenth to May fifteenth the date that contracts are issued to teachers;
4. permission to negotiate salaries below the minimum salary requirements for retired teachers if specified in the contract or otherwise authorized by law.

If specified in the contract or if the district is otherwise authorized by law to furlough teachers, a district may furlough teachers for up to five noninstructional days provided that school and district administrators are furloughed for an equivalent number of days. All other program regulations, guidelines, reporting, and audit requirements remain in effect unless addressed in this joint resolution. To further ensure resources are maximized, districts are encouraged to limit the number of low enrollment courses, expand virtual instruction,

TUESDAY, FEBRUARY 17, 2009

and, to the extent possible, develop schedules to minimize transportation costs of extracurricular and academic competitions. Prior to implementing the flexibility provisions provided in this joint resolution, school districts must provide to public charter schools the per pupil allocation due to the charter schools for each categorical program.

The school district board of trustees must certify that specific actions were taken in response to the measures provided in Sections 1 and 2 of this joint resolution. The certification and report must be in writing and delivered, on a quarterly basis, to the State Superintendent of Education, and a copy must be forwarded to the Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee, the Chairman of the House Ways and Means Committee, and the Chairman of the House Education and Public Works Committee./

Amend the joint resolution further, as and if amended, SECTION 3, as contained on page 2, lines 36 through 42, by deleting the SECTION in its entirety and inserting:

/SECTION 3. Notwithstanding another provision of law and for the 2008-2009 and 2009-2010 fiscal years, implementation of formative assessments for grades one, two, and nine, the foreign language program assessment, the physical education assessment, and new textbook adoptions must be suspended. School districts and the State Department of Education must be granted permission to purchase the most economical type of bus fuel./

Renumber sections to conform.

Amend title to conform.

Rep. COOPER explained the amendment.

The amendment was then adopted.

Rep. E. H. PITTS proposed the following Amendment No. 2 (COUNCIL\NBD\11271BH09), which was tabled:

Amend the joint resolution, as and if amended, SECTION 2, page 3352-2, line 2 by deleting /an equivalent/ and inserting /twice the/.

Renumber sections to conform.

Amend title to conform.

Rep. E. H. PITTS explained the amendment.

Rep. HARVIN moved to table the amendment.

[HJ]

TUESDAY, FEBRUARY 17, 2009

Rep. E. H. PITTS demanded the yeas and nays which were taken,
resulting as follows:

Yeas 54; Nays 50

Those who voted in the affirmative are:

Agnew	Anderson	Anthony
Bannister	Battle	Bingham
Bowers	G. A. Brown	H. B. Brown
R. L. Brown	Clemmons	Clyburn
Cobb-Hunter	Cole	Cooper
Delleney	Dillard	Erickson
Funderburk	Gambrell	Govan
Gullick	Gunn	Harvin
Hayes	Hiott	Hodges
Horne	Hosey	Hutto
Jefferson	Kirsh	Littlejohn
Lucas	Mack	Merrill
Miller	Mitchell	Moss
J. H. Neal	J. M. Neal	Neilson
Owens	Parks	Pinson
Scott	Skelton	G. R. Smith
J. R. Smith	Vick	Weeks
White	Williams	A. D. Young

Total--54

Those who voted in the negative are:

Alexander	Allison	Bales
Ballentine	Barfield	Bedingfield
Bowen	Cato	Chalk
Crawford	Daning	Duncan
Edge	Forrester	Frye
Haley	Hamilton	Hardwick
Hearn	Huggins	Kelly
Kennedy	King	Knight
Limehouse	Loftis	Long
Lowe	McEachern	McLeod
Millwood	Nanney	Parker
E. H. Pitts	M. A. Pitts	Rice
Sellers	Simrill	G. M. Smith
J. E. Smith	Sottile	Spires

TUESDAY, FEBRUARY 17, 2009

Stavrinakis	Stringer	Thompson
Toole	Viers	Willis
Wylie	T. R. Young	

Total--50

So, the amendment was tabled.

RECORD FOR VOTING

I was temporarily out of the Chamber during the vote on Amendment No. 2 to H. 3352. If I had been present, I would have voted against tabling this Amendment.

Rep. Don C. Smith

Rep. E. H. PITTS proposed the following Amendment No. 3 (COUNCIL\NBD\11272BH09), which was adopted:

Amend the joint resolution, as and if amended, SECTION 2, page 3352-2, lines 1 through 2 by deleting /school and district administrators are furloughed for an equivalent number/ and inserting /district administrators are furloughed for twice the/.

Renumber sections to conform.

Amend title to conform.

Rep. E. H. PITTS explained the amendment.

Rep. HARVIN moved to table the amendment.

Rep. HALEY demanded the yeas and nays which were taken, resulting as follows:

Yeas 21; Nays 93

Those who voted in the affirmative are:

Agnew	Allen	Battle
Bowers	G. A. Brown	H. B. Brown
Funderburk	Gilliard	Gullick
Gunn	Harvin	Hodges
Jefferson	King	Mack
McLeod	Parks	Skelton
Vick	Weeks	Williams

Total--21

[HJ]

TUESDAY, FEBRUARY 17, 2009

Those who voted in the negative are:

Alexander	Allison	Anderson
Anthony	Bales	Ballentine
Bannister	Barfield	Bedingfield
Bingham	Bowen	Brady
Branham	Brantley	R. L. Brown
Cato	Chalk	Clemmons
Clyburn	Cobb-Hunter	Cole
Cooper	Crawford	Daning
Delleney	Duncan	Edge
Erickson	Forrester	Frye
Gambrell	Haley	Hamilton
Hardwick	Harrell	Harrison
Hayes	Hearn	Hiott
Horne	Hosey	Huggins
Hutto	Kelly	Kennedy
Kirsh	Knight	Limehouse
Littlejohn	Loftis	Long
Lowe	Lucas	McEachern
Merrill	Miller	Millwood
Mitchell	Moss	Nanney
J. H. Neal	J. M. Neal	Neilson
Ott	Owens	Parker
Pinson	E. H. Pitts	M. A. Pitts
Rice	Sandifer	Scott
Sellers	Simrill	D. C. Smith
G. M. Smith	G. R. Smith	J. E. Smith
J. R. Smith	Sottile	Spires
Stavrinakis	Stringer	Thompson
Toole	Umphlett	Viers
White	Whitmire	Willis
Wylie	A. D. Young	T. R. Young

Total--93

So, the House refused to table the amendment.

The question then recurred to the adoption of the amendment, which was agreed to.

TUESDAY, FEBRUARY 17, 2009

Rep. COOPER proposed the following Amendment No. 4 (COUNCIL\NBD\11269BH09), which was adopted:

Amend the joint resolution, as and if amended, SECTION 2, page 3352-1, item (3) by deleting the item in its entirety and inserting:

/3. permission to delay from April fifteenth to May fifteenth the date that contracts are issued to teachers. A teacher who is reemployed by written notification pursuant to Section 59-25-410 shall notify the board of trustees of the district in writing of his acceptance of the contract within ten days of such notification or April twenty-fifth, whichever occurs later. Failure on the part of the teacher to notify the board of acceptance within the specified time limit is conclusive evidence of the teacher's rejection of the contract; /

Renumber sections to conform.

Amend title to conform.

Rep. COOPER explained the amendment.

The amendment was then adopted.

Rep. CRAWFORD proposed the following Amendment No. 5 (COUNCIL\NBD\11282BH09):

Amend the joint resolution, as and if amended, by adding an appropriately numbered SECTION at the end to read:

/SECTION __. In order for a school district to take advantage of the flexibility provisions provided in this joint resolution and for the 2008 to 2009 and 2009 to 2010 Fiscal Years only, At least sixty-five percent of the education operational budget of the school district as determined by the State Department of Education must be used for classroom instruction. No portion of the sixty-five percent may be used for bureaucratic purposes. The school district shall report to the State Department of Education by August first of each year the actual percentage of its education operational budget that the school district used for classroom instruction for the previous school year. /

Renumber sections to conform.

Amend title to conform.

Rep. CRAWFORD explained the amendment.

Rep. SELLERS moved to table the amendment.

TUESDAY, FEBRUARY 17, 2009

Rep. CRAWFORD demanded the yeas and nays which were taken,
resulting as follows:

Yeas 39; Nays 73

Those who voted in the affirmative are:

Agnew	Anderson	Anthony
Battle	Bowers	Branham
H. B. Brown	R. L. Brown	Dillard
Funderburk	Gilliard	Gullick
Gunn	Hart	Harvin
Hayes	Hodges	Hosey
Hutto	Jefferson	Kelly
King	Knight	Mack
McEachern	McLeod	Miller
Mitchell	J. H. Neal	Ott
Parks	Sellers	Skelton
J. E. Smith	Stavrinakis	Vick
Weeks	Whipper	Whitmire

Total--39

Those who voted in the negative are:

Allison	Bales	Ballentine
Bannister	Barfield	Bedingfield
Bingham	Bowen	Brady
Brantley	Cato	Chalk
Clemmons	Cole	Cooper
Crawford	Daning	Delleney
Duncan	Edge	Erickson
Forrester	Frye	Gambrell
Govan	Haley	Hamilton
Hardwick	Harrell	Harrison
Hearn	Herbkersman	Hiott
Horne	Huggins	Kirsh
Limehouse	Littlejohn	Loftis
Long	Lowe	Lucas
Merrill	Millwood	Moss
Nanney	J. M. Neal	Neilson
Owens	Parker	Pinson
E. H. Pitts	M. A. Pitts	Rice
Sandifer	Scott	Simrill

TUESDAY, FEBRUARY 17, 2009

D. C. Smith	G. M. Smith	G. R. Smith
J. R. Smith	Sottile	Spires
Stringer	Thompson	Toole
Umphlett	Viers	White
Willis	Wylie	A. D. Young
T. R. Young		

Total--73

So, the House refused to table the amendment.

STATEMENT FOR THE JOURNAL

I support the idea of Amendment No. 5 to H. 3352, but I do not support invading the province of the school board. Board members are elected officials and are accountable to the voters of the school district.

Rep. Keith Kelly

Further proceedings were interrupted by expiration of time on the uncontested Calendar, the pending question being the adoption of the amendment.

RECURRENCE TO THE MORNING HOUR

Rep. COOPER moved that the House recur to the Morning Hour, which was agreed to.

HOUSE RESOLUTION

The following was introduced:

H. 3547 -- Rep. McLeod: A HOUSE RESOLUTION TO RECOGNIZE AND CONGRATULATE PALMETTO HEALTH HOSPICE ON THE OCCASION OF ITS THIRTIETH ANNIVERSARY OF CARING, COMPASSIONATE SERVICE TO SOUTH CAROLINA PATIENTS AND FAMILIES AND TO ENCOURAGE CITIZENS TO INCREASE THEIR AWARENESS OF THE IMPORTANCE AND AVAILABILITY OF HOSPICE SERVICES AND TO OBSERVE THIS OCCASION WITH APPROPRIATE ACTIVITIES AND PROGRAMS.

The Resolution was adopted.

TUESDAY, FEBRUARY 17, 2009

CONCURRENT RESOLUTION

The following was introduced:

H. 3548 -- Reps. J. E. Smith, Limehouse, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE EXTRAORDINARY EFFORTS OF THE MANY STATE WORKERS AND VOLUNTEERS WHO ARE WORKING TIRELESSLY AROUND THE CLOCK TO PRESERVE THE HISTORIC AND GALLANT USS LAFFEY (DD-724) FOR HER SURVIVING VETERANS AND COUNTLESS ADMIRERS.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 428 -- Senators L. Martin, Verdin, Bright, Alexander and Bryant: A CONCURRENT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO MAKE PERMANENT THE E-VERIFY PROGRAM.

The Concurrent Resolution was ordered referred to the Committee on Invitations and Memorial Resolutions.

TUESDAY, FEBRUARY 17, 2009

INTRODUCTION OF BILLS

The following Bills and Joint Resolutions were introduced, read the first time, and referred to appropriate committees:

H. 3549 -- Reps. J. E. Smith, Limehouse and Sottile: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 12 TO CHAPTER 13, TITLE 51 SO AS TO AUTHORIZE THE BOARD OF THE PATRIOTS POINT DEVELOPMENT AUTHORITY TO ISSUE REVENUE BONDS AND TO PRESCRIBE THE MANNER IN WHICH, PURPOSES FOR WHICH, AND PROCEDURES UNDER WHICH THESE REVENUE BONDS MAY BE ISSUED.

Referred to Committee on Ways and Means

H. 3550 -- Reps. Cato, Herbkersman, Agnew, Merrill, Stavrinakis, Funderburk, Brady, Anderson, R. L. Brown, Kelly, Limehouse, J. E. Smith and Whipper: A BILL TO AMEND CHAPTER 10, TITLE 6, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BUILDING ENERGY EFFICIENCY STANDARD ACT, SO AS TO REVISE THE TITLE OF THE ACT TO THE "ENERGY STANDARD ACT", TO REVISE DEFINITIONS, TO ADOPT THE INTERNATIONAL ENERGY CONSERVATION CODE AS THE ENERGY STANDARD AND TO PROVIDE THAT ALL NEW AND RENOVATED BUILDINGS MUST COMPLY WITH THIS STANDARD, TO PROVIDE THAT LOCAL BUILDING OFFICIALS SHALL ENFORCE THE ENERGY STANDARD AND TO PROVIDE ALTERNATIVE ENFORCERS IN AREAS WITHOUT A BUILDING OFFICIAL, TO PROVIDE THAT BUILDING OFFICIALS SHALL ISSUE AND REVOKE BUILDING PERMITS AND INSPECT CONSTRUCTION OF BUILDINGS PURSUANT TO THE PERMITS ISSUED, TO REQUIRE LOCAL JURISDICTIONS TO PROVIDE AN APPEALS BOARD AND PROCESS FOR GRANTING OF CERTAIN VARIANCES, TO PROVIDE AN EXCEPTION AND TO ALLOW CERTAIN APPEALS TO BE HEARD BY THE SOUTH CAROLINA BUILDING CODES COUNCIL, AND TO PROVIDE THAT A PERSON OR PARTY MAY OBTAIN INJUNCTIVE RELIEF; AND TO AMEND SECTION 6-9-50, AS AMENDED, RELATING TO THE MANDATORY ADOPTION OF CERTAIN NATIONAL BUILDING CODES, BUILDING ENVELOPE REQUIREMENTS OF THE ENERGY CODE, FREE ACCESS TO CODE DOCUMENTS,

TUESDAY, FEBRUARY 17, 2009

AND THREE STORY HOMES, SO AS TO DELETE PROVISIONS RELATING TO WHAT CONSTITUTES COMPLIANCE WITH THE BUILDING ENVELOPE REQUIREMENTS OF THE ENERGY CODE, FREE ACCESS TO DOCUMENTS CONTAINING CODES ADOPTED BY THE BUILDING CODES COUNCIL, AND BUILDING PERMITS FOR THREE STORY HOMES.

Referred to Committee on Labor, Commerce and Industry

S. 409 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE CLEMSON UNIVERSITY, STATE CROP PEST COMMISSION, RELATING TO DESIGNATION OF ASIAN CITRUS PYSLLID AS PLANT PEST AND QUARANTINE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4039, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

S. 410 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE CLEMSON UNIVERSITY, STATE CROP PEST COMMISSION, RELATING TO PLUM POX VIRUS QUARANTINE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4001, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3352--AMENDED AND INTERRUPTED DEBATE

Debate was resumed on the following Joint Resolution, the pending question being the consideration of amendments:

H. 3352 -- Reps. Cooper, Owens, Stewart, Whitmire, Funderburk, Rice, Wylie, Allison, E. H. Pitts, R. L. Brown, White, Stavrinakis, Miller, Anderson, Battle, Hayes, Gilliard, Sottile, Mack, Harvin, Whipper, Hutto, G. R. Smith, Knight, Willis, Neilson, T. R. Young, Cobb-Hunter, J. H. Neal, Clyburn, G. M. Smith, Kennedy, Herbkersman, Merrill, Bingham, Ott, J. R. Smith, A. D. Young, Kirsh, Lucas, Littlejohn, Edge, Limehouse, M. A. Pitts, Loftis, D. C. Smith, Pinson, Barfield, Bannister, Dillard, Stringer, Allen, Nanney, Govan, Parker, Frye, Hardwick, Hearn, J. E. Smith, Clemmons, Agnew,

[HJ]

TUESDAY, FEBRUARY 17, 2009

Bedingfield, Williams, Vick and Horne: A JOINT RESOLUTION TO ALLOW LOCAL SCHOOL DISTRICTS AND SPECIAL SCHOOLS TO TRANSFER FUNDS AMONG APPROPRIATED REVENUES IN ORDER TO ENSURE THE DELIVERY OF ACADEMIC AND ARTS INSTRUCTION DURING THE 2008-2009 AND 2009-2010 FISCAL YEARS; TO ALLOW SCHOOL DISTRICTS FOR FISCAL YEARS 2008-2009 AND 2009-2010 TO SUSPEND CERTAIN PROFESSIONAL STAFFING RATIOS, TO TRANSFER FUNDS, TO DELAY THE DATE THAT TEACHER CONTRACTS ARE ISSUED, AND TO NEGOTIATE SALARIES FOR RETIRED AND TERE TEACHERS BELOW MINIMUM SALARY REQUIREMENTS; TO ALLOW SCHOOL DISTRICTS FOR THE 2008-2009 AND 2009-2010 FISCAL YEARS TO FURLOUGH TEACHERS AND SCHOOL AND DISTRICT ADMINISTRATORS UPON CERTAIN CONDITIONS; TO PROVIDE CERTIFICATION AND REPORTING REQUIREMENTS; TO SUSPEND CERTAIN FORMATIVE ASSESSMENTS AND TO ALLOW SCHOOL DISTRICTS TO PURCHASE THE MOST ECONOMICAL TYPE OF BUS FUEL FOR THE 2008-2009 AND 2009-2010 FISCAL YEARS.

Rep. CRAWFORD proposed the following Amendment No. 5 (COUNCIL\NBD\11282BH09), which was adopted:

Amend the joint resolution, as and if amended, by adding an appropriately numbered SECTION at the end to read:

/SECTION _____. In order for a school district to take advantage of the flexibility provisions provided in this joint resolution and for the 2008 to 2009 and 2009 to 2010 Fiscal Years only, At least sixty-five percent of the education operational budget of the school district as determined by the State Department of Education must be used for classroom instruction. No portion of the sixty-five percent may be used for bureaucratic purposes. The school district shall report to the State Department of Education by August first of each year the actual percentage of its education operational budget that the school district used for classroom instruction for the previous school year./

Renumber sections to conform.

Amend title to conform.

Rep. SELLERS spoke against the amendment.

Rep. STAVRINAKIS spoke against the amendment.

Rep. STAVRINAKIS continued speaking.

Rep. ANTHONY spoke against the amendment.

[HJ]

TUESDAY, FEBRUARY 17, 2009

Rep. CRAWFORD demanded the yeas and nays which were taken,
resulting as follows:

Yeas 64; Nays 55

Those who voted in the affirmative are:

Allison	Bales	Ballentine
Bannister	Barfield	Bedingfield
Bingham	Bowen	Brady
Cato	Chalk	Clemmons
Cooper	Crawford	Daning
Delleney	Duncan	Edge
Erickson	Forrester	Frye
Haley	Hamilton	Hardwick
Harrell	Harrison	Herbkersman
Horne	Huggins	Kirsh
Limehouse	Littlejohn	Loftis
Long	Lowe	Lucas
Merrill	Millwood	Nanney
Neilson	Owens	E. H. Pitts
M. A. Pitts	Rice	Sandifer
Scott	Simrill	D. C. Smith
G. M. Smith	G. R. Smith	J. R. Smith
Sottile	Spires	Stavrinakis
Stringer	Thompson	Toole
Umphlett	Viers	White
Willis	Wylie	A. D. Young
T. R. Young		

Total--64

Those who voted in the negative are:

Agnew	Alexander	Allen
Anderson	Anthony	Battle
Bowers	Branham	Brantley
G. A. Brown	H. B. Brown	R. L. Brown
Clyburn	Cole	Dillard
Funderburk	Gambrell	Gilliard
Govan	Gullick	Gunn
Hart	Harvin	Hayes
Hiott	Hodges	Hosey
Howard	Hutto	Jefferson

TUESDAY, FEBRUARY 17, 2009

Kelly	Kennedy	King
Knight	Mack	McEachern
McLeod	Miller	Mitchell
Moss	J. H. Neal	J. M. Neal
Ott	Parker	Parks
Pinson	Rutherford	Sellers
Skelton	J. E. Smith	Vick
Weeks	Whipper	Whitmire
Williams		

Total--55

So, the amendment was adopted.

STATEMENT FOR THE JOURNAL

I support the idea of Amendment No. 5 to H. 3352, but I do not support invading the province of the school board. Board members are elected officials and are accountable to the voters of the school district.

Rep. Keith Kelly

Further proceedings were interrupted by the House recurring to the Morning Hour, the pending question being consideration of amendments.

RECURRENCE TO THE MORNING HOUR

Rep. DUNCAN moved that the House recur to the Morning Hour, which was agreed to.

INTRODUCTION OF BILLS

The following Bills were introduced, read the first time, and referred to appropriate committees:

H. 3551 -- Reps. Littlejohn, Mitchell, Allison, Anthony, Cole, Forrester, Kelly, Millwood and Parker: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY DESIGNATING SECTIONS 59-53-1110, 59-53-1120, 59-53-1130, AND 59-53-1140 AS SUBARTICLE 1 AND ENTITLED "SPARTANBURG COUNTY COMMISSION FOR TECHNICAL AND COMMUNITY EDUCATION" OF ARTICLE 14, CHAPTER 53, TITLE 59; AND BY ADDING SUBARTICLE 2 TO ARTICLE 14, CHAPTER 53, TITLE 59 SO AS TO ENACT THE

TUESDAY, FEBRUARY 17, 2009

"SPARTANBURG COMMUNITY COLLEGE ENTERPRISE CAMPUS AUTHORITY ACT", AND TO PROVIDE FOR ITS POWERS AND DUTIES.

On motion of Rep. LITTLEJOHN, with unanimous consent, the Bill was ordered placed on the Calendar without reference.

H. 3552 -- Reps. Duncan, Brantley, Hardwick, Bedingfield, Gilliard, Willis, Clemmons, Daning, Hamilton, Harrison, Lowe, Nanney, M. A. Pitts, G. R. Smith, Spires, Stringer, Umphlett and Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-1-55 SO AS TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PROMULGATE REGULATIONS PROVIDING DEADLINES FOR THE ISSUANCE, DENIAL, RENEWAL, SUSPENSION, AND REVOCATION OF PERMITS, LICENSES, OR OTHER ACTIONS IF A DEADLINE IS NOT PROVIDED BY STATUTE, TO PROVIDE THAT IF THE DEPARTMENT DOES NOT MEET ITS DEADLINE THAT THE PERMIT OR LICENSE MUST BE ISSUED OR A DECISION MUST BE RENDERED IN FAVOR OF THE REQUESTING PARTY, TO AUTHORIZE THE DEPARTMENT TO SUSPEND THE DEADLINE PERIOD FOR CAUSE, AND TO REQUIRE THE DEPARTMENT TO PROVIDE NOTICE OF THE SUSPENSION AND ACTION THAT MUST BE TAKEN TO END THE SUSPENSION.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3553 -- Rep. Sellers: A BILL TO AMEND SECTION 15-3-620, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO STATUTES OF LIMITATIONS IMPOSED ON ACTIONS BROUGHT BY THE STATE OF SOUTH CAROLINA OR ON ITS BEHALF, SO AS TO PROVIDE A STATUTE OF LIMITATIONS OR STATUTE OF REPOSE MAY NOT APPLY TO AN ACTION BROUGHT BY THE STATE OR FOR ITS BENEFIT.

Referred to Committee on Judiciary

CONCURRENT RESOLUTION

The following was introduced:

H. 3554 -- Reps. Mitchell, McEachern, Hosey, Brantley, J. H. Neal, Kennedy, Alexander, King, Hart, Jefferson, Govan, Hodges, Sellers,

[HJ]

TUESDAY, FEBRUARY 17, 2009

R. L. Brown, Anderson, Vick, Whipper, Agnew, Allen, Anthony, Bales, Bowers, G. A. Brown, H. B. Brown, Clyburn, Cobb-Hunter, Dillard, Funderburk, Gilliard, Gunn, Harvin, Hayes, Howard, Hutto, Kirsh, Knight, Mack, McLeod, Miller, Moss, J. M. Neal, Ott, Parks, Rutherford, J. E. Smith, Weeks and Williams: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO HR-1 OF 2009, THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, THE GENERAL ASSEMBLY ACCEPTS THE USE OF FEDERAL STIMULUS FUNDS PROVIDED TO THIS STATE IN THIS ACT IF THE GOVERNOR OF SOUTH CAROLINA WITHIN THE REQUIRED FORTY-FIVE DAY PERIOD FAILS TO CERTIFY THAT HE WILL REQUEST AND USE THESE FUNDS FOR THIS STATE AND THE AGENCIES AND ENTITIES THEREOF IN THE MANNER PROVIDED IN THE FEDERAL ACT, AND TO PROVIDE FOR THE MANNER OF DISTRIBUTION OF THESE FUNDS.

The Concurrent Resolution was ordered referred to the Committee on Ways and Means.

Rep. LOWE moved that the House do now adjourn, which was agreed to.

MOTION NOTED

Rep. STAVRINAKIS moved to reconsider the vote whereby Amendment No. 5 to H. 3352 was adopted and the motion was noted.

RETURNED WITH CONCURRENCE

The Senate returned to the House with concurrence the following:

H. 3338 -- Reps. King and Simrill: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 5 IN YORK COUNTY FROM ITS INTERSECTION WITH CHERRY ROAD TO ITS INTERSECTION WITH HECKLE BOULEVARD "JUANITA GOGGINS HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS "JUANITA GOGGINS HIGHWAY".

H. 3474 -- Reps. Harrison, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Bales, Ballentine, Bannister, Barfield, Battle,

TUESDAY, FEBRUARY 17, 2009

Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO INVITE THE CHIEF JUSTICE OF THE SOUTH CAROLINA SUPREME COURT, THE HONORABLE JEAN HOEFER TOAL, TO ADDRESS THE GENERAL ASSEMBLY IN JOINT SESSION ON THE STATE OF THE JUDICIARY AT 12:00 NOON ON WEDNESDAY, FEBRUARY 25, 2009.

H. 3510 -- Rep. Duncan: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND SOUTH CAROLINA'S FUTURE FARMERS OF AMERICA (FFA) MEMBERS AND ALL WHO SUPPORT, PROMOTE, AND ENCOURAGE THESE OUTSTANDING AGRICULTURAL EDUCATION STUDENTS, AND JOIN WITH THEM IN OBSERVANCE OF NATIONAL FFA WEEK, FEBRUARY 21-28, 2009.

H. 3512 -- Reps. Bales, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller,

TUESDAY, FEBRUARY 17, 2009

Millwood, Mitchell, Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR RESERVE DEPUTY JOSEPH P. ARNOT OF RICHLAND COUNTY, UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR EIGHT YEARS OF DEDICATED VOLUNTEER SERVICE WITH THE RICHLAND COUNTY SHERIFF'S DEPARTMENT, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

H. 3513 -- Rep. Hiott: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE PICKENS HIGH SCHOOL "LADY BLUE FLAME" VOLLEYBALL TEAM FOR ITS OUTSTANDING SEASON AND FOR CAPTURING THE 2008 CLASS AAA STATE CHAMPIONSHIP, AND TO HONOR THE TEAM'S EXCEPTIONAL PLAYERS, COACH, AND STAFF.

ADJOURNMENT

At 1:30 p.m. the House, in accordance with the motion of Rep. HOSEY, adjourned in memory of Mrs. Ellen Jenkins of Barnwell, to meet at 10:00 a.m. tomorrow.

TUESDAY, FEBRUARY 17, 2009

H. 3003	14	H. 3529	13
H. 3015	11	H. 3530	13
H. 3123	11	H. 3538	3
H. 3132	13	H. 3539	3
H. 3164	11	H. 3540	4
H. 3204	13	H. 3541	4
H. 3271	11	H. 3542	7
H. 3275	11	H. 3543	5
H. 3276	11	H. 3544	5
H. 3278	11	H. 3545	6
H. 3279	11	H. 3546	6
H. 3280	12	H. 3547	22
H. 3298	14	H. 3548	23
H. 3303	12	H. 3549	24
H. 3338	30	H. 3550	24
H. 3342	14	H. 3551	28
H. 3352 13, 14, 18, 22		H. 3552	29
H. 3352 25, 28, 30		H. 3553	29
H. 3372 12, 14		H. 3554	29
H. 3403	13		
H. 3416	13	S. 126	6
H. 3442	12	S. 278	7
H. 3474	30	S. 409	25
H. 3475	2	S. 410	25
H. 3476	2	S. 421	8
H. 3510	31	S. 422	8
H. 3512	31	S. 424	8
H. 3513	32	S. 428	23
H. 3526	12		
H. 3527	12		